RECEIVED CENTRAL FAX CENTER MAY 1 6 2007

BRAKE HUGHES BELLERMANN LLP

C/O INTELLEVATE P.O. Box 52050

Minneapolis, MN 55402 Telephone (612) 236-9918 Facsimile (612) 677-3572

Date: May 16, 2007

TO: Examiner Mark A. Mais

Patent Examining Corps

Facsimile Center P.O. Box 1450

Charif Salwarts

Alexandria, VA 22313-1450

FAX NUMBER 571-273-8300

Document(s) Transmitted: Cover letter (1 pg); Terminal Disclaimer (1 pg); and Authorization to charge a credit card form PTO-2038 (1 pg)

Total pages of this transmission, including cover letter: 3 pgs.

If you do NOT receive all of the pages described above, please telephone us at (612) 236-9918 or fax us at 612-677-3572.

In re. Patent Application of: Henry S. Ptasinski et al.

Examiner: Mark A. Mais

FROM: Paul W. Churilla

OUR REF: BU1382.5/0033-060001

Serial No.: 09/826,218 Group Art Unit: <u>2616</u>

Filed: April 4, 2001 Docket No.: <u>BU1382.5/0033-060001</u>

Title: METHOD FOR PROVIDING DYNAMIC ADJUSTMENT OF FRAME ENCODING PARAMETERS IN A FRAME-BASED COMMUNICATIONS NETWORK

Name: Paul W. Churilla

Reg. No.: 47,495

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

May 16, 2007

Date of Transmission

RECEIVED CENTRAL FAX CENTER

MAY 1 6 2007

PTO/SB/28 (04-07

Approved for use through 09/30/2007, OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of Information unless it displays a valid OMB control number. TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING Docket Number (Optional) BU1382.5/0033-060001 REJECTION OVER A "PRIOR" PATENT tn re Application of: Henry S. Ptasinski et al. Application No.: 09/826,218 April 4, 2001 Filed: METHOD FOR PROVIDING DYNAMIC ADJUSTMENT OF FRAME ENCODING PARAMETERS IN A For: FRAME-BASED COMMUNICATIONS NETWORK The owners, Broadcom Corporation . of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,988,236 as the term of said prior patent is defined in 35 U.S.C. 154 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent Jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued: or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, Check either box 1 or 2 below, if appropriate. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wiltful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. The undersigned is an attorney or agent of record. Reg. No. 47,495 /Paul W. Churille/ May 16, 2007 Signature Date Paul W. Churilla Typed or printed name 360-930-3533 Telephone Number Terminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. *Statement under 37 CFR 3.73(b) is required if terminal discialmer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Thre will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1 800-PTO-9199 and select option 2.

05/17/2007 HVUDNG1 00000038 09826218

01 FC:1814

130.00 OP